



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho

Phone: (208) 327-7900 FAX: (208) 327-7866

*Returned
Mail*

KARL J. DREHER
DIRECTOR

Re: Mitigation for/Curtailment of Diversion of Ground Water Rights with Priority Dates Junior to June 30, 1883 Located in Water District 34, Big Lost River

Dear Water Right Holder:

The records of the Idaho Department of Water Resources ("IDWR") and Water District No. 34 indicate that you are the holder of one or more consumptive ground water rights with a priority date that is junior to June 30, 1883. On July 12, 2004, the Director of IDWR issued an order requiring mitigation for your ground water diversion. The order stated that if a mitigation plan was not approved and implemented by July 22, 2004, you would be required to cease and desist diverting ground water from your well.

Enclosed is an amended order that extends the time for implementing a mitigation plan and briefly delays the cease and desist requirement. The amended order requires that you provide mitigation by the earlier of (a) the date that the Jensen water rights are no longer deliverable; or (b) before August 3, 2004. The order requires that if a mitigation plan is not implemented, you must cease diverting ground water from your well by the later of (a) the date the Jensen water rights are no longer deliverable, or (b) August 3, 2004.

The order directs the watermaster of Water District No. 34 to prevent the diversion of ground water from wells described as points of diversion by junior priority water rights. This order affects consumptive ground water rights bearing priority dates junior to June 30, 1883 for irrigation, commercial, industrial, municipal and other uses, including the irrigation of non-agricultural lands in excess of one-half acre. Small domestic uses satisfying the criteria of Idaho Code § 42-111 and Idaho Code § 42-1401A(11) are not required to mitigate or cease and desist.

The delay in the deadline for mitigation and possible curtailment was prompted by (1) favorable weather conditions that have prolonged the diversion of surface water rights diverted from the Big Lost River, and (2) the approval of a partial mitigation plan by IDWR that will provide some water to the surface water right holders making the call. If you are a participant in the approved partial mitigation plan, you may continue pumping ground water under your ground water rights for the remainder of the irrigation season. **If you are not a participant in the approved partial mitigation plan, you must mitigate for your ground water use or cease diverting ground water on the deadlines ordered by the amended order described above.** Please contact Mitchell Sorenson at 527-3271 or this office if you want to participate in the approved partial mitigation plan. If you are not now diverting ground water, and do not intend to divert ground water for the remainder of the year, you are already satisfying the requirements of the amended order.

If you have questions concerning the order and this correspondence, please contact the IDWR Eastern Regional office in Idaho Falls at 208-525-7161, or contact the IDWR state office at 208-327-7900.

Sincerely,

Gary Spackman
Water Allocations Bureau Chief